

# **Exhibit L**

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE APPLE iPHONE TRUST ) CIVIL ACTION NO.  
LITIGATION ) 4:11-cv-06715YGR

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REMOTE PROCEEDINGS OF  
VIDEOTAPED DEPOSITION OF PHILLIP B. SHOEMAKER  
TUESDAY, JANUARY 12, 2021

REPORTED BY: REAGAN EVANS, RPR, RMR, CRR, CCRR,  
CLR, CRC, CA CSR NO. 8176

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1 VIDEOTAPED DEPOSITION OF PHILLIP B. SHOEMAKER, TAKEN  
2 REMOTELY ON BEHALF OF THE PLAINTIFF AT 9:04 A.M.,  
3 TUESDAY, JANUARY 12, 2021, AT SAN DIEGO, CALIFORNIA,  
4 BEFORE REAGAN EVANS, CA CSR NO. 8176, RPR, RMR, CRR,  
5 CCRR, CLR, CRC.

6  
7 APPEARANCES OF COUNSEL

8  
9 FOR PLAINTIFF EPIC GAMES, INC.:

10 CRAVATH SWAINE & MOORE

11 BY: YONATAN EVEN, ESQ.

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13 BY: LAUREN KLOSS, ESQ.

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1 APPEARANCES OF COUNSEL (CONTINUED)

2

3 FOR CONSUMER CLASS PLAINTIFFS:

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3 FOR DEVELOPER PLAINTIFFS:

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1 APPEARANCES OF COUNSEL (CONTINUED)

2

3 FOR APPLE:

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12 BY: HARRY R.S. PHILLIPS, ESQ.

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1 APPEARANCES OF COUNSEL (CONTINUED)

2

3 FOR APPLE INC.:

4 BY: KATE KASO-HOWARD, ESQ.

5 BY: NOREEN KRALL, ESQ.

6 (APPEARING REMOTELY)

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14 ALSO PRESENT: NEIL GEORGE, VIDEOGRAPHER

15 MATTHEW REISDORPH, REMOTE TECH

16 TED WOJCIK, APPLE

17 (ALL APPEARING REMOTELY)

18

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[REDACTED]

12 MR. EVEN: So I'm going to mark as  
13 Exhibit 96 a page that we've printed out from your  
14 profile on LinkedIn.

15 (Whereupon Shoemaker Exhibit 96 was  
16 marked for identification and  
17 attached hereto.)

18 MR. EVEN: Amal, please let us know once  
19 that's in Mr. Shoemaker's folder.

20 MS. EL BAKHAR: Yes, it says it's loaded.  
21 BY MR. EVEN:

22 Q Mr. Shoemaker, please take a look and see  
23 if you can open that up.

24 A Yes, I can open it up.

25 Q And does this seem like a correct copy of



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1 your profile on LinkedIn?

2 A Yes, it does look accurate.

3 Q And is your LinkedIn profile generally  
4 accurate and current?

5 A Generally, yes.

6 Q And so if I look at the first page, it says  
7 (as read and/or reflected:)

8 I'm available to help  
9 developers get their apps onto the  
10 App Store, and have been advising  
11 numerous entities on the issues  
12 they face when getting removed from  
13 the App Store.

14 Do you see that?

15 A Yes, I do.

16 Q And in what way do you help developers get  
17 their apps into the App Store?

18 A That's -- there's a variety of ways. Most  
19 developers have issues in just getting Apple to  
20 re-review their apps.

21 And I developed a technique that allows  
22 those apps to get re-reviewed relatively quickly.

23 Q And at a high level, can you explain what  
24 that technique is?

25 A To accurately describe the problems that

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1 they're facing and to send those -- send an e-mail  
2 to the highest authorities at Apple that manage the  
3 App Store.

4 Q And who would those authorities be?

5 [REDACTED]

6 Q And when you say accurately describe the  
7 problems that the app developer is facing, how does  
8 the app developer know what exactly is the problem  
9 that it's facing?

10 A Because they get rejection notices from the  
11 Apple -- the App Store Review team that tells them  
12 what issues they are facing.

13 Q Okay.

14 And how often do you help developers with  
15 issues with getting approved onto the App Store?

16 A Could be once a month. Could be once a  
17 week. It depends on -- just on people getting in  
18 touch. I helped someone last week, but nobody  
19 recently has contacted me.

20 Q Okay.

21 And is there a difference in the way to  
22 approach the issue if you're dealing with somebody  
23 who is trying to get onto the App Store as opposed  
24 to somebody who has been removed from the App Store?

25 A Each one is different. Each one is

[illegible]

[illegible]

[illegible]

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1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES ) ss.  
3

4 I, Reagan Evans, RPR, RMR, CRR, CCRR, CLR, CRC,  
5 CSR No. 8176, in and for the State of California, do  
6 hereby certify:

7 That prior to being examined, the witness named  
8 in the foregoing deposition was by me duly sworn to  
9 testify to the truth, the whole truth, and nothing  
10 but the truth;

11 That said remote deposition was taken down by me  
12 in shorthand at the time and place therein named and  
13 thereafter reduced to typewriting under my  
14 direction, and the same is a true, correct, and  
15 complete transcript of said proceedings;

16 That if the foregoing pertains to the original  
17 transcript of a deposition in a federal case, before  
18 completion of the proceedings, review of the  
19 transcript { } was { } was not required.

20 I further certify that I am not interested in  
21 the event of the action.

22 Witness my hand this 13th day of January, 2021.  
23

24   
\_\_\_\_\_

25 Certified Shorthand Reporter  
for the State of California

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

---

IN RE APPLE iPHONE TRUST ) Civil Action No.  
LITIGATION ) 4:11-cv-06715YGR

REMOTE VIDEOTAPED DEPOSITION  
OF

PHILLIP BURTON SHOEMAKER

VOLUME II

Thursday, January 14, 2021

San Diego, California

Reported by:

B. Suzanne Hull, CSR No. 13495

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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IN RE APPLE iPHONE TRUST ) Civil Action No.  
LITIGATION ) 4:11-cv-06715YGR

Remote videotaped deposition of  
PHILLIP BURTON SHOEMAKER, Volume II, taken on behalf of  
Plaintiff, at San Diego, California, beginning at  
9:07 a.m., and ending at 3:27 p.m., on Thursday,  
January 14, 2021, before B. SUZANNE HULL, Certified  
Shorthand Reporter No. 13495.



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**APPEARANCES**

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**- and -**

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APPEARANCES (Continued)

The Videographer: Neil George  
The Concierge: Vincent Maggiano  
Also Present: Amanda Salas  
Lauren E. Kloss

[illegible]

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[REDACTED]

6 I don't know -- I don't know the number of  
7 the next exhibit in order, but if you could just --  
8 just pull it up, and you can -- you can tell me.

9 MR. SIEGEL: And, Liz, please make sure that  
10 all the remaining -- all the remaining exhibits are  
11 up. I think it should just be two more, the one  
12 Mr. Shoemaker is looking at and the next one.

13 MS. AVERY: Okay.

14 (Plaintiffs' Exhibit Number PX-166  
15 was marked for identification.)

16 THE WITNESS: Okay.

17 BY MR. SIEGEL:

18 Q. So Mr. Shoemaker, what -- what exhibit  
19 number do you have in front of you right now?

20 A. 166-03.

21 Q. Okay. Is that Bates numbered  
22 APL-APPSTORE\_00334340?

23 A. Yes, it is.

24 Q. Okay. Thank you.

25 So looking at the top of the first page,

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1 So is that fair to say?

2 A. Yes, it is.

3 Q. Thank you.

4 So let's look at Exhibit 168.

5 (Plaintiffs' Exhibit Number PX-168  
6 was marked for identification.)

7 THE WITNESS: Okay. I have opened it.

8 BY MS. MANIFOLD:

9 Q. Thank you.

10 Exhibit 168 is Bates stamped 03233853, and  
11 it is entitled app review over- -- overview; is that  
12 right? Yes.

13 And then you'll notice in the far right --  
14 unfortunately, the sticker stamp is over it. There  
15 is a faint thing that says 12/05/10 at the very  
16 bottom. Unfortunately, the sticker covers it. We  
17 can try and redo that if there is a problem, but I'll  
18 represent that -- for this moment that that is what  
19 that date says -- that date says.

20 From a high level, does this depict the flow  
21 of the app review process in about 2010?

22 A. Yeah. Let me have a look at it really fast.  
23 It appears to be accurate, yes.

24 Q. And in looking it over, did this -- this  
25 overview -- this high level view of the app review

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1 process, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. So let's just start at the front door; so in  
5 order to get an app submitted, is it fair to say you  
6 had to be first a paid member of the app developer  
7 program? Correct?

8 A. Yes. That's correct.

9 Q. And then you had to create a bill, the final  
10 signed application; correct?

11 A. Yes. That's correct.

12 Q. And then you could go to the front door and  
13 upload the app, which is where that big bubble at the  
14 top says app submitted; is that correct?

15 A. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





[illegible]

[illegible]

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[REDACTED]

25 Q. So if all those issues cleared, then the app

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1 would be approved; is that correct?

2 A. That is correct.

3 Q. And then the app would be, in some way or  
4 form, loaded onto the App Store; correct?

5 A. That's correct.

6 Q. And how are -- from a very high level of  
7 view, how are the apps then loaded on the App Store?

8 A. Well --

9 Q. Well, let me -- that is -- that is too broad  
10 a question. I apologize for that.

11 So when the app is loaded onto the  
12 App Store, is it loaded into a specific category?

13 A. Developers, yes. Developers submit --  
14 when -- during their submission process, part of  
15 iTunes Connect, when they enter all the marketing  
16 data, there is two other -- there is two main things  
17 that they put there. They put in a category and  
18 a subcategory of which they want to be presented.  
19 Apple doesn't control that. The developer controls  
20 it.

21 And they self rate. They talk -- they  
22 answer a series of questions to determine what the  
23 app should be rated. Should we rate it four plus,  
24 nine plus, twelve plus, or seventeen plus. And that  
25 just means the severity of the content; right? The

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1 adulthood of the content, if you will.

2 So they make those changes. They set those  
3 themselves. And then when it comes time, once my  
4 team would approve the app, it would get put into  
5 a queue that -- that ultimately gets uploaded to the  
6 store. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. But once my

11 team pressed approved, they got some -- they got  
12 placed on the store in the category in which they  
13 selected.

14 Q. So from a user perspective, how is the  
15 App Store organized? You mentioned categories.  
16 I assume that is one. How else was the App Store  
17 organized from a high level user perspective?

18 A. Well, high level user perspective, the --  
19 the user, when they would launch the App Store, they  
20 would see a series of boxes on the screen that are  
21 these ones that the App Store marketing team wanted  
22 to feature. They call them splooshes that you put up  
23 on the -- on the -- on the App Store. You could  
24 search by -- you could search by anything. You could  
25 go into categories -- various categories. I have

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1 forgotten all the categories, but utilities,  
2 lifestyle, games -- things like that. They could  
3 choose those and -- and walk through them.

4 And then there is charts. There were charts  
5 for most downloaded or top downloaded. Top grossing;  
6 so apps that were making the most money. That means  
7 a lot of people were spending a lot of time on those,  
8 et cetera.

9 Q. Okay. So let's go back into the App Store  
10 now. We have gotten an app approved. Now let's go  
11 back in. Let's assume that we are reviewing the  
12 binary and there is an IAP.

13 What would happen next?

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

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[REDACTED]

[illegible]



[illegible]

[illegible]

[REDACTED]

[REDACTED]

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Q. Okay. Meaning that, you know, developers knew that, for example, you know, you had to have a certain type of IAP or certain types of functions triggered an IAP, things like that, clarification?

A. Yes. Clarification in general all across the board. For us it was -- for some reason developers thought that because there was no pornography app on the store that they could submit pornography. They would be the first ones out there; so we had a lot of those. And -- and until we wrote guidelines saying we will not accept this, they kept trying.

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1 Q. Okay. And I didn't ask you, what is the  
2 engine consolidation app from a -- now, don't be  
3 technical -- from a very, you know, normal person  
4 point of view?

5 A. Yeah. So these are apps that all look the  
6 same. Let's say -- let's say you want to -- you want  
7 a weather app; right? You don't want to use Apple's  
8 built-in weather app. You want your own; so people  
9 would create a Cupertino weather app, a Sunnyvale  
10 weather app, a -- a San Diego weather app,  
11 a Carmel Valley weather app, an Encinitas weather  
12 app. I mean, they inundated the store. They all  
13 look the same; they just changed the name and the  
14 location that it gave the weather for; so those were  
15 apps that we would say, you need to consolidate that.  
16 Just give us one weather app that uses your geo  
17 location to give me the weather in that area, you  
18 know. You don't need one specifically for Seattle.  
19 Just -- just allow them to choose Seattle as one of  
20 the -- the weathers that you want to look at.

21 So there were those. There were ones for  
22 lawyers. There were ones for barbers. There were  
23 ones for everything.

24 Q. Okay.

25 A. So they would submit tens of thousands of

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1 these at once. Literally, we would get one app -- we  
2 would get 10,000 apps submitted by one developer in  
3 one -- over the course of a weekend.

4 Q. Okay. Well, that makes sense.

5 A. Yeah.

6 Q. Well, I have seen the weather app before,  
7 and in San Diego 365 days a year it is always  
8 70 degrees. I can see how that would be a little  
9 terrible.

[REDACTED]

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1 STATE OF CALIFORNIA )  
 ) ss.

2 COUNTY OF KERN )  
3  
4

5 I, B. Suzanne Hull, a Certified Shorthand  
6 Reporter in the State of California, holding  
7 Certificate Number 13495, do hereby certify that  
8 PHILLIP BURTON SHOEMAKER, the witness named in the  
9 foregoing deposition, was by me duly sworn; that said  
10 deposition, was taken Thursday, January 14, 2021, at  
11 the time and place set forth on the first page  
12 hereof.

13 That upon the taking of the deposition, the  
14 words of the witness were written down by me in  
15 stenotypy and thereafter transcribed by computer  
16 under my supervision; that the foregoing is a true  
17 and correct transcript of the testimony given by the  
18 witness.

19 Pursuant to Federal Rule 30(e), transcript  
20 review was requested.

21 I further certify that I am neither counsel  
22 for nor in any way related to any party to said  
23 action, nor in any way interested in the result or  
24 outcome thereof.

25 ///

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1 Dated this 15th day of January, 2021, at  
2 Bakersfield, California.

3 

4 \_\_\_\_\_  
5 B. Suzanne Hull, CSR No. 13495  
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